

(c) Proceeds from the sale of the bonds may be spent on an authorized project or for the purchase of needed equipment only in accordance with the legislative appropriation of the proceeds.

SECTION 2. This Act takes effect on the date on which the constitutional amendment proposed by the 77th Legislature at its regular session authorizing the issuance of general obligation bonds in an amount not to exceed \$850 million for construction and repair projects and for the purchase of needed equipment takes effect. If that amendment is not approved by the voters, this Act has no effect.

Passed by the House on May 2, 2001, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3064 on May 16, 2001, by a non-record vote; passed by the Senate, with amendments, on May 14, 2001, by a viva-voce vote.

Approved June 11, 2001.

Effective date contingent on provision in § 2.

CHAPTER 566

H.B. No. 3134

AN ACT

relating to certain conduct of notaries public; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 406.017, Government Code, is amended to read as follows:

Sec. 406.017. REPRESENTATION AS ATTORNEY. (a) *A person commits an offense if the person is a notary public and the person:*

- (1) states or implies that the person is an attorney licensed to practice law in this state;*
- (2) solicits or accepts compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, United States citizenship, or related matters;*
- (3) solicits or accepts compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;*
- (4) uses the phrase "notario" or "notario publico" to advertise the services of a notary public, whether by signs, pamphlets, stationery, or other written communication or by radio or television; or*
- (5) [who is not an attorney and who] advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communication or by radio or television, if the person does not [shall] post or otherwise include with the advertisement a notice that complies with Subsection (b) [the notary public is not an attorney].*

(b) The notice required by Subsection (a)(5) must state that the notary public is not an attorney and must be in English and in the language of the advertisement and in letters of a conspicuous size. If the advertisement is by radio or television, the statement may be modified, but must include substantially the same message. The notice must include the fees that a notary public may charge and the following statement:

“I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN TEXAS
AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL
ADVICE.”

(c) *It is an exception to prosecution under this section that, at the time of the conduct charged, the person is licensed to practice law in this state and in good standing with the State Bar of Texas.*

(d) *Except as provided by Subsection (e) of this section, an offense under this section is a Class A misdemeanor.*

(e) *An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under this section [Literal translation of the phrase “Notary Public” into Spanish is prohibited. In this subsection, “literal translation” means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language that is being translated].*

(f) [(d)] Failure to comply with this section is, in addition to a violation of any other applicable law of this state, a deceptive trade practice actionable under Chapter 17, Business & Commerce Code.

SECTION 2. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2001.

Passed by the House on April 20, 2001, by a non-record vote; passed by the Senate on May 17, 2001: Yeas 30, Nays 0, 1 present, not voting.

Approved June 11, 2001.

Effective September 1, 2001.

CHAPTER 567

H.B. No. 3147

AN ACT

relating to allowing certain retirees of the Teacher Retirement System of Texas to be employed as principals without losing retirement benefits.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 824.602(a), Government Code, is amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;